

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, STATE OF
CALIFORNIA, STATE OF ILLINOIS, STATE
OF MARYLAND, and STATE OF
MINNESOTA,

Plaintiffs,

RURAL & MIGRANT MINISTRY, ALIANZA
NACIONAL DE CAMPESINAS, EL COMITE
DE APOYO A LOS TRABAJADORES
AGRÍCOLAS, FARMWORKER ASSOCIATION
OF FLORIDA, MIGRANT CLINICIANS
NETWORK, PINEROS Y CAMPESINOS
UNIDOS DEL NOROESTE, RURAL
COALITION, UNITED FARM WORKERS, and
UNITED FARM WORKERS FOUNDATION,

Consolidated Plaintiffs,

-v-

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and MICHAEL S.
REGAN, in his official capacity as Administrator
of the United States Environmental Protection
Agency,

Defendants.

20 Civ. 10642 (LJL)
(Consolidated)

**[PROPOSED]
STIPULATION OF DISMISSAL
PURSUANT TO RULE 41(a)**

WHEREAS on December 16, 2020, plaintiffs Rural & Migrant Ministry, Alianza Nacional de Campesinas, El Comité de Apoyo a Los Trabajadores Agrícolas, Farmworker Association of Florida, Migrant Clinicians Network, Pineros y Campesinos Unidos del Noroeste, Rural Coalition, United Farm Workers, and United Farm Workers Foundation (together, “Organizational Plaintiffs”) filed an action, No. 20 Civ. 10645, asserting claims under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 *et seq.*, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 *et seq.*, challenging a regulation

promulgated by the U.S. Environmental Protection Agency (“EPA”), Pesticides—Agricultural Worker Protection Standard: Revision of the Application Exclusion Zone Requirements (“2020 Rule”), 85 Fed. Reg. 68,760 (Oct. 30, 2020);

WHEREAS also on December 16, 2020, the states of New York, California, Illinois, Maryland, and Minnesota (together, “State Plaintiffs”) also filed an action, No. 20 Civ. 10642, asserting claims challenging the 2020 Rule under the APA;

WHEREAS on December 28, 2020, the Court issued a temporary restraining order and stay postponing the effective date of the 2020 Rule until January 11, 2021, and issued an Opinion and Order the following day, *see* No. 20 Civ. 10645, Dkt. Nos. 35, 37;

WHEREAS on January 7, 2021, EPA advised the Court that it had identified an error in information underlying the 2020 Rule and needed sufficient time to evaluate the issue and determine its effect, if any, on the 2020 Rule, *see* Dkt. No. 17;

WHEREAS since that time the effective date of the 2020 Rule was subsequently stayed and restrained, both by orders of the Court and by stipulations between the parties, *see* Dkt. Nos. 19, 30, 40, 45, 50, 55, 57, 62, 64, 67, 72, 77, 79, 81, 85;

WHEREAS on September 30, 2024, the EPA Administrator signed a final rule entitled Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments (the “2024 Rule”), which was published in the Federal Register on October 4, 2024, 89 Fed. Reg. 80,767 (Oct. 4, 2024);

WHEREAS the 2024 Rule supersedes the 2020 Rule, such that this action challenging the 2020 Rule is now moot;

NOW, THEREFORE, it is stipulated and agreed, and the Court hereby orders, as follows:

1. The Organizational Plaintiffs, the State Plaintiffs, and EPA stipulate to a dismissal of this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

2. The parties understand and agree that this Stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

3. The signatories to this Stipulation represent and warrant that they are fully authorized to execute this Stipulation on behalf of the entities indicated below.

4. Counsel for EPA will file this Stipulation via ECF on behalf of all parties. Pursuant to Section 8.5(b) of the Electronic Case Filing Rules & Instructions of the U.S. District Court, Southern District of New York, counsel for all parties consent to the electronic filing of this Stipulation and Consent Order by counsel for EPA.

5. The terms of this Stipulation shall become effective upon its entry by the Court. If the Stipulation is not approved and entered by the Court, it shall be null and void, with no force or effect.

6. Upon entry of this Stipulation by the Court, this action will be closed, and all pending deadlines will be canceled.

7. The Court shall retain jurisdiction of this matter for the purpose of resolving any motion for attorneys' fees and costs filed by Plaintiffs.

Dated: October 8, 2024

/s/ Carrie Apfel
Carrie Apfel
Kara Goad
Earthjustice
1001 G Street, NW, Suite 1000
Washington, DC 20001
capfel@earthjustice.org
kgoad@earthjustice.org
Eve Gartner
Earthjustice
48 Wall Street, 15th Floor
New York, NY 10005
egartner@earthjustice.org

Counsel for the Organizational Plaintiffs

Dated: October 9, 2024

/s/ Abigail Katowitz-Liu
Michael J. Myers
Abigail Katowitz-Liu
New York State Office of the Attorney
General
28 Liberty Street, Floor 19
New York, NY 10005
(518) 402-2594 / (212) 416-8922
michael.myers@ag.ny.gov
abigail.katowitz-liu@ag.ny.gov

Dated: October 9, 2024

/s/ Mari Mayeda
Mari Mayeda
Office of the California Attorney General
Environment Section
1515 Clay Street, 20th Floor
Oakland, CA 94612
(510) 879-1300
mari.mayeda@doj.ca.gov

Dated: October 8, 2024

/s/ Zach Biesanz
Zach Biesanz
Office of the Minnesota Attorney General
445 Minnesota Street, Suite 1400
Saint Paul, MN 55101
(651) 757-1257

zach.biesanz@ag.state.mn.us

Dated: October 9, 2024

/s/ Kathryn Hunt Muse
Kathryn Hunt Muse
Office of the Illinois Attorney General
115 S. LaSalle St., 31st Floor
Chicago, IL 60603
(312) 814-3873
kathryn.muse@ilag.gov

Dated: October 9, 2024

/s/ Steven J. Goldstein
Steven J. Goldstein (motion to appear *pro*
hac vice pending)
Special Assistant Attorney General
Office of the Attorney General of Maryland
200 Saint Paul Place
Baltimore, MD 21202
(410) 576-6414
sgoldstein@oag.state.md.us

Counsel for the State Plaintiffs

Dated: October 9, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Samuel Dolinger
SAMUEL DOLINGER
ANTHONY J. SUN
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2677 / 2810
samuel.dolinger@usdoj.gov
anthony.sun@usdoj.gov

Counsel for Defendants

SO ORDERED:

HONORABLE LEWIS J. LIMAN
United States District Judge

Dated: _____
New York, New York